24/10/07

(23)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 7604 of 2007

PETITIONERS

1. Smt. Shukla Dey, aged 38 years W/o Mr. Sudip Day, Upper Division Teacher, Government Hr. Sec. School, Dewada, Patan, Distt.Durg.
2. Smt. R. Sreelatha, Aged 39 years W/o Mr. B. Ajay Kumar, Lecturer, Government Hr. Sec. School, Dewada, Patan District Durg C.G.
3. Smt. Kirti Pradhan, aged 38 years W/o Mr. Ajay Pradhan, Lecturer, Government Hr. Sec. School, Dewada, Patan District Durg C.G.
4. Smt. Sangeeta Singh Baghel, Aged 42 years, W/o Mr. Pravas Singh Baghel, Lecturer, Government Hr. Sec. School, Dewada, Patan District Durg C.G.
5. Smt. Noorussaba Shariff, aged 51 years, W/o J.M. Shariff, Head-Mistress, Government Middle School, Chhawni, Bhilai Distt. Durg

Versus

RESPONDENTS

1. The State Government of Chhattisgarh, Through the Secretary, Education & Tribal Department, D.K.S. Bhavan, Raipur (C.G.)
2. Assistant Commissioner, Tribal Welfare Department Rajnandgaon (C.G.)
3. The District Education Officer, Durg (C.G.)
4. Director of Public Instruction Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Somkant Verma, counsel for the petitioners.

Shri Pradeep Singh, Panel Lawyer for the State on advance copy.

ORAL ORDER
(20.12.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed B.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (2006 (II) MPJR-CG 96)***. He submits that the case of the petitioners is squarely covered by the said judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subject to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired B.Ed. Examination Certificates on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

vatti